

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION**

JONATHAN HAMBY,)	
)	
Petitioner,)	
)	
v.)	Case No. 4:21-cv-00556-MHH-NAD
)	
GEORGE EDWARDS, et al.,)	
)	
Respondents.)	

MEMORANDUM OPINION


Petitioner Jonathan Hamby filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. (Doc. 1). On January 12, 2022, the Magistrate Judge entered a report in which he recommended that the Court dismiss Mr. Hamby's petition without prejudice for failure to exhaust state remedies. (Doc. 8). Although the Magistrate Judge advised Mr. Hamby of his right to file objections to the report and recommendation within 14 days, the Court has not received objections.

Having reviewed the materials in the Court's electronic record in this case, the Court adopts the magistrate judge's report and accepts his recommendation. By separate order, the Court will dismiss Mr. Hamby's petition for a writ of habeas corpus without prejudice for failure to exhaust state remedies.

A district court may issue a certificate of appealability "only if the applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). To make such a showing, a "petitioner must demonstrate that reasonable

jurists would find the district court's assessment of the constitutional claims debatable or wrong," *Slack v. McDaniel*, 529 U.S. 473, 484 (2000), or that "the issues presented were adequate to deserve encouragement to proceed further." *Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003) (internal quotations omitted). Mr. Hamby has not satisfied either standard. Therefore, if he wishes to appeal this decision, Mr. Hamby must request a certificate of appealability from the Eleventh Circuit Court of Appeals.

DONE and **ORDERED** this February 8, 2022.



MADELINE HUGHES HAIKALA
UNITED STATES DISTRICT JUDGE